

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RONNIE KIRKPATRICK and	:	CIVIL ACTION NO. 2:17-CV-236
MICHELLE VENSEL,	:	
	:	(Chief Judge Conner)
Plaintiffs	:	
	:	
v.	:	
	:	
GEICO CASUALTY COMPANY,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 9th day of April, 2018, upon consideration of plaintiffs' motion (Doc. 38) *in limine* and brief (Doc. 39) in support filed March 1, 2018, requesting that this court exclude any evidence that plaintiff Ronnie Kirkpatrick ("Kirkpatrick") receives disability benefits from the United States Department of Veterans Affairs or the Social Security Administration, and the court noting, as a threshold matter, that defendant has not responded to plaintiffs' motion (Doc. 38) despite multiple court orders to do so, (see Docs. 40, 41), and the court further noting that it cautioned defendant that failure to comply with this directive would result in the court deeming plaintiffs' motion (Doc. 38) to be unopposed, (see Docs. 40, 41), and the court observing that "any evidence that demonstrates alternative sources of compensation is inadmissible when a jury may use it to offset the plaintiff's damages," Lee v. Consol. Rail Corp., No. 94-6411, 1995 WL 744108, at *5 (E.D. Pa. Dec. 5, 1995); see also Griesser v. Nat'l R.R. Passenger Corp., 761 A.2d 606, 610-613 (Pa. Super. Ct. 2000), it is hereby ORDERED that:

1. Plaintiffs' unopposed motion (Doc. 38) *in limine* is GRANTED.
2. Defendant is precluded from referencing or offering any evidence of Kirkpatrick's receipt of disability benefits from either the United States Department of Veterans Affairs or the Social Security Administration.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania